IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA, EASTERN, DIVISION Montgomery, Alabama

HON. WALLACE CAPEL, JR.

DATE COMMENCED: 11/30/06

DIGITAL RECORDING: 2:00 - 4:25

DATE COMPLETED: 11/30/06

* CR CASE NO: 3:06cr222-WKW

JELA SHERMARKIE MARSHALL

PLAINTIFF APPEARANCES: DEFENDANT

Verne Speirs * Kevin L. Butler

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COURT OFFICIALS PRESENT:

Wanda A. Robinson, Courtroom Deputy Joseph Wilkinson, Law Clerk Risa Entrekin, Court Reporter

PROCEEDINGS:

() JURY TRIAL

(x) OTHER PROCEEDINGS: SUPPRESSION HEARING

SEE MINUTES ATTACHED

		DINGS ELECTRONICALLY RECORDED	
Description	3:06cr222-VVKVV: U	SA vs. Jela Shermarkie Marshall: SUPPRESSION HEARING	
Date	11/30/2006	Location	
Time	Speaker	Note	
1 :59:53 PM	Court	Convenes; Rule Invoked	
2 :00:51 PM	Government	Calls Witness Judson Barnes	
2 :01:15 PM	Defense	Gives Reasons for Hearing as regards the Stop of the Vehic	
2 :09:00 PM	<u> </u>	Witness Sworn and Testifies	
2 :30:33 PM	Defense	Cross-Examines Witness Judson Barnes	
2 :58:10 PM	Government	Re-Directs Witness	
3 :00:49 PM	Defense	Further questions witness	
3 :01:47 PM	Government	Establishes probable cause for stop	
3 :02:29 PM		Witness Excused	
3 :02:55 PM	Court	Determines all issues should be addressed including probab cause for stop and search	
3 :08:39 PM	Government	Calls Witness Craig Vickers; Witness Sworn and testifies	
3 :13:40 PM	Defense	Cross Examines Witness	
3 :15:17 PM		Witness excused	
3 :15:30 PM		Government Rest	
3 :15:46 PM	Defense	Recalls Officer Barnes; Witness testifies	
3 :18:54 PM		No Cross; Witness excused	
3 :19:10 PM	Defense	Calls Witness Frank Marshall, Jr.; Witness Sworn and Testifies	
3 :29:26 PM	Government	Cross-Examines Witness	
3 :34:28 PM	Defense	Re-Directs Witness	
3 :35:25 PM		Witness Excused	
3 :35:49 PM	Defense	Recalls Witness Frank Marshall, Jr.	
3 :38:11 PM	Government	Cross-Examines Witness	
3 :39:37 PM	Defense	Questions Witness	
3 :40:17 PM	Government	Questions Witness	
3 :40:22 PM		Witness Excused	
3 :40:56 PM	Defense	Calls Witness Frank Marshall, III; Witness Sworn and Testi	
3 :48:49 PM	Government	Cross-Examines Witness	
3 :51:02 PM	Defense	Re-Directs Witness	
3 :51:27 PM	Government	Questions witness	
3 :52:37 PM	Defense	Further questions witness	
3 :53:23 PM	Government	Questions Witness	
3 :53:50 PM		Witness Excused	
3 :53:57 PM	Defense	Calls Witness Lynn Colbert; Witness Sworn and testifies	
3 :55:54 PM		Witness Excused	
3 :56:44 PM	Defense	Requests Court to recessed to examines car stereo	
3 :57:13 PM	Government	Objects to request	
3 :58:13 PM	Defense	Responds to objections	
3 :59:34 PM	Court	Declines Request for examination of car	

12/01/06 12:03:41 1/2

4 :00:49 PM	Defense	Recalls witness Frank Marshall, III; witness further testifies
4 :05:53 PM	Court	Will NOT accept testimony regarding expert testimony
4 :06:44 PM		Witness Excused
4 :06:55 PM	Defense	Proffers the results of the testing of the Car Stereo
4 :09:59 PM	Court	Questions relevancy of proffer; Not Expert testimony
4 :12:25 PM	Government	Gives Closing Argument
4 :15:17 PM	Defense	Gives Closing Argument
4 :18:04 PM	Court	Addresses Defense's Closing Argument
4 :20:24 PM	Defense	Completes Closing Argument
4 :24:04 PM	Government	Responds to Defense's Argument
4 :24:48 PM	Defense	Replies to Government Response
4 :25:00 PM		Court in Recess

12/01/06 12:03:41

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

USA	*	
	*	
VS.	*	3:06cr222-WKW

JELA SHERMARKIE MARSHALL

WITNESS LIST

PLAINTIFF/GOVERNMENT	DEFENDANT
1. <u>Judson Barnes</u>	1. Frank Marshall, Jr.
2. <u>Craig Vickers</u>	2. Frank Marshall, III
3	3. Lynn Colbert
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UNITED STATES DISTRICT COURT

Digital of the British	MIDDLE	DISTRICT OF	ALABAMA
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USA

GOVERNMENT'S EXHIBIT LIST

Case Number: 3:06cr222-WKW

JELA SHERMARKIE MARSHALL

PRESI	DING JU	JDGE			GOVERNMENT'S ATTORNEY	DEFENDANT'S ATTORNEY	
WALLACE CAPEL, JR.			APEL, JR.		Verne Speirs	Kevin L. Butler	
TRIAL DATE (S)					COURT REPORTER	COURTROOM DEPUTY	
		Suppression	Hearing		Risa Entrekin Wanda A. Robinson		
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EX	XHIBITS* AND WITNESSES	
1		11/30/06	X	X	Opelika Noise Ordinance Code		
2		11/30/06	X	Х	Photo of White Chevrolet SUV Vehicle		
3		11/30/06	X	X	Photo of Rear White Chevrolet SUV Vehicle		
4		11/30/06	X	X	Photo of Speakers in Rear of White Chevrolet SUV		
5		11/30/06	X	X	Photo of Console of White Chevrolet SUV		
6		11/30/06	X	X	Photo of Rear Seating Area of White Chevrolet SUV		
7		11/30/06	X	X	Uniform Non-Traffic Citation and Complaint to Jela Shermarkie Marshall dated 6/15/06		
8		11/30/06	X	х	Photo of Marijuana in Rear seating area of White Chevrolet SUV		
12		11/30/06	X	х	Sketch of Area of Police stop of White Ch	nevrolet SUV	
					EXHIBIT IN SEPARATE ENVELOPE V	WITH COURT FILE	

^{*} Include a notation as to the location of any exhibit not held with the case file or not available because of size.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICTOF ALABAMA	MIDDLE	DISTRICT OF	ALABAMA
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USA

DEFENDANT'S EXHIBIT LIST

Case Number: 3:06cr222-WKW

V. JELA SHERMARKIE MARSHALL

PRESI	DING JU	JDGE			GOVERNMENT'S ATTORNEY	DEFENDANT'S ATTORNEY
WALLACE CAPEL, JR.			APEL, JR.		Verne Speirs	Kevin L. Butler
TRIAL DATE (S)					COURT REPORTER	COURTROOM DEPUTY
Suppression Hearing			Hearing		Risa Entrekin	Wanda A. Robinson
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EX	HIBITS* AND WITNESSES
	1	11/30/06	X	X	Photo - Speaker in Car	
	2	11/30/06	X	X	Photo - Antioch Circle - A	
	3	11/30/06	X	X	Photo - Antioch Circle - B	
	4	11/30/06	X	X	Right Side of Vehicle	
	5	11/30/06	X	X	Photo - Side View of Speaker/Trunk	
				-		
					EXHIBIT IN SEPARATE ENVELOPE W	ITH COURT FILE

^{*} Include a notation as to the location of any exhibit not held with the case file or not available because of size.